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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,905	04/08/2004	Brandon Mouw	12528.005	8851

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EXAMINER

GABLER, PHILIP FRANCIS

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/820,905	Applicant(s) MOUW, BRANDON	
	Examiner Philip Gabler	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the waste bin positioned within the wire harness/waste bin holder mentioned in claims 2, 16, 19, and 22 must be shown or the feature canceled from the claims. The door being attached *only* to the slides (claim 18) must also be shown or the feature canceled from the claims. No new matter should be entered.
2. The drawings are further objected to because any type of dimensions are not to be included in the figures (this pertains to Figures 6-9).
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is stated that the door is attached only to the slide, but it is unclear how this is accomplished. The connection would certainly require components in addition to the door and slides themselves (e.g. brackets), and these must be explained to make the disclosure enabling.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4-6, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear whether the first and second wires are positively claimed limitations with respect to the harness since the recitation of these

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limitations is first introduced within an intended use format, i.e. "adapted to."

Accordingly, claims 4 and 6 are deemed indefinite since the metes and bounds of the claims are unclear.

8. Claim 5 is deemed indefinite as being dependent on an indefinite claim.

9. Claim 9 is deemed indefinite because it is written as dependent upon itself (i.e. claim 9 is dependent on claim 9). For the purpose of examination, claim 9 is viewed as being dependent on claim 8.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 3, 4, 7, 8, 12, 13, 15-17, 20, 22, 24, 30, 33, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber (US Patent Number 5975662). Weber (Figures 1 and 3) discloses a drawer capable of being used as a waste bin manager having a door (11) and comprising: a first elongated slide (6) adapted to be mounted within the cabinet; a second elongated slide (also 6, on opposite side) adapted to be mounted within the cabinet, said second elongated slide being space apart from, and oriented generally parallel to, said first elongated slide; a "wire" harness (10) positioned between, and attached to, said first and second elongated slides [it is viewed that the recitation of a "wire harness" is not given specific structural characteristics since the

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limitation has not been further defined within the claim and is therefore given a broad interpretation], said wire harness capable of holding a waste bin; a clip (28) attached to said wire harness; and a spring (27) having a first (rear) end attached to said clip and a second (front) end attached to the cabinet (at point 26), said spring adapted to pull against said wire harness such that the first and second elongated slides, as well as the wire harness and door, are pulled at least partially out of the cabinet when the cabinet is opened.

12. Regarding claim 3, while not discussed by Weber, it is inherent from the shape of the clip that the spring is in one orientation to be inserted into/engaged with said clip and moved to a second orientation to couple said spring to said clip.

13. Regarding claim 4, the position is taken that the clip could be capable of attaching to a first and second wire if such were present due to the clip's curved body, as best understood (note the 112, 2nd paragraph rejection above).

14. Regarding claim 7, Weber further discloses a foot-operated mechanism (21, 24, 25) adapted to release the door from the cabinet.

15. Regarding claim 8, Weber further discloses the foot-operated mechanism includes a lever (21), a plate (24), and a magnet (25), one of said plate and said magnet being attached to the door and the other of said plate and magnet being attached to the cabinet, said lever positioned to cause separation between said plate and said magnet when said lever is rotated.

16. Regarding claim 12, Weber further discloses that the second end of the spring is attached to a wall of the cabinet (via members 6 and 7).

17. Regarding claim 13, Weber further discloses said spring is oriented substantially completely in a horizontal plane (see Figure 1).

18. Regarding claim 15, Weber further discloses said spring extends substantially the entire distance across the space between the first and second slides (see Figure 1).

19. Regarding claim 16, as best understood, Weber further discloses said clip is positioned underneath said wire harness (and would therefore be positioned under a waste bin held by said harness).

20. Regarding claim 17, Weber further discloses the first and second slides are attached to the door (via frame 8 and drawer 1). See column 3 lines 16-23.

21. Regarding claim 20, Weber discloses a drawer capable of being used as a waste bin manager having a door (11) and comprising: a slide mechanism (6 and associated components) adapted to move between a retracted position within the cabinet and an extended position at least partially outside of the cabinet (note that Weber's figures show stationary guides, 6, but not the associated drawer mounted guides, which are disclosed in column 3 lines 16-18); a waste bin holder (10) supported by said slide mechanism, said waste bin holder capable of holding a waste bin; a clip (28) at said waste bin holder; and a spring (27) having first (rear) end attached to said clip and a second (front) end attached to the cabinet, said spring adapted to exert a force against said waste bin holder such that the slide mechanism is moved at least partially out of the cabinet when the cabinet is opened.

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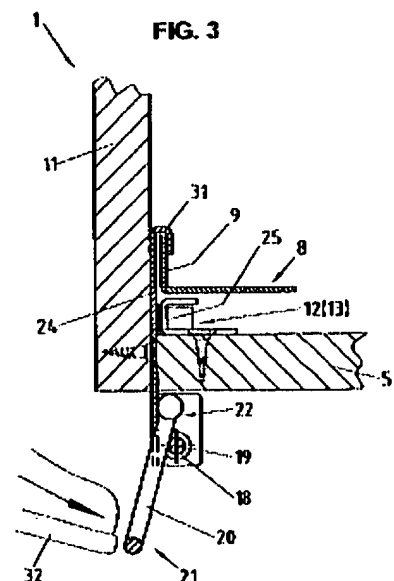
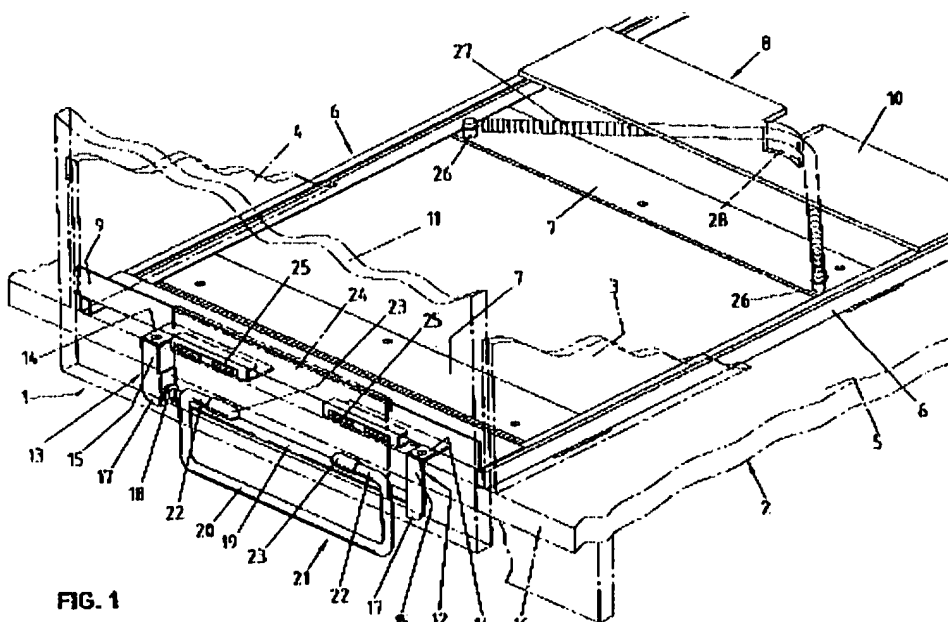
22. Regarding claim 22, as best understood, Weber further discloses said clip is positioned underneath said waste bin holder (and would therefore be positioned under a waste bin held by said holder).

23. Regarding claim 24, Weber further discloses said slide mechanism is mounted at or near a bottom wall (5) of said cabinet (see Figure 1).

24. Regarding claim 30, Weber further discloses said clip (28) is attached to said waste bin holder (10).

25. Regarding claim 33, Weber further discloses the waste bin holder (10) comprises a wire harness.

26. Regarding claim 35, Weber further discloses said second end of spring is attached to a wall of said cabinet (via members 6 and 7).



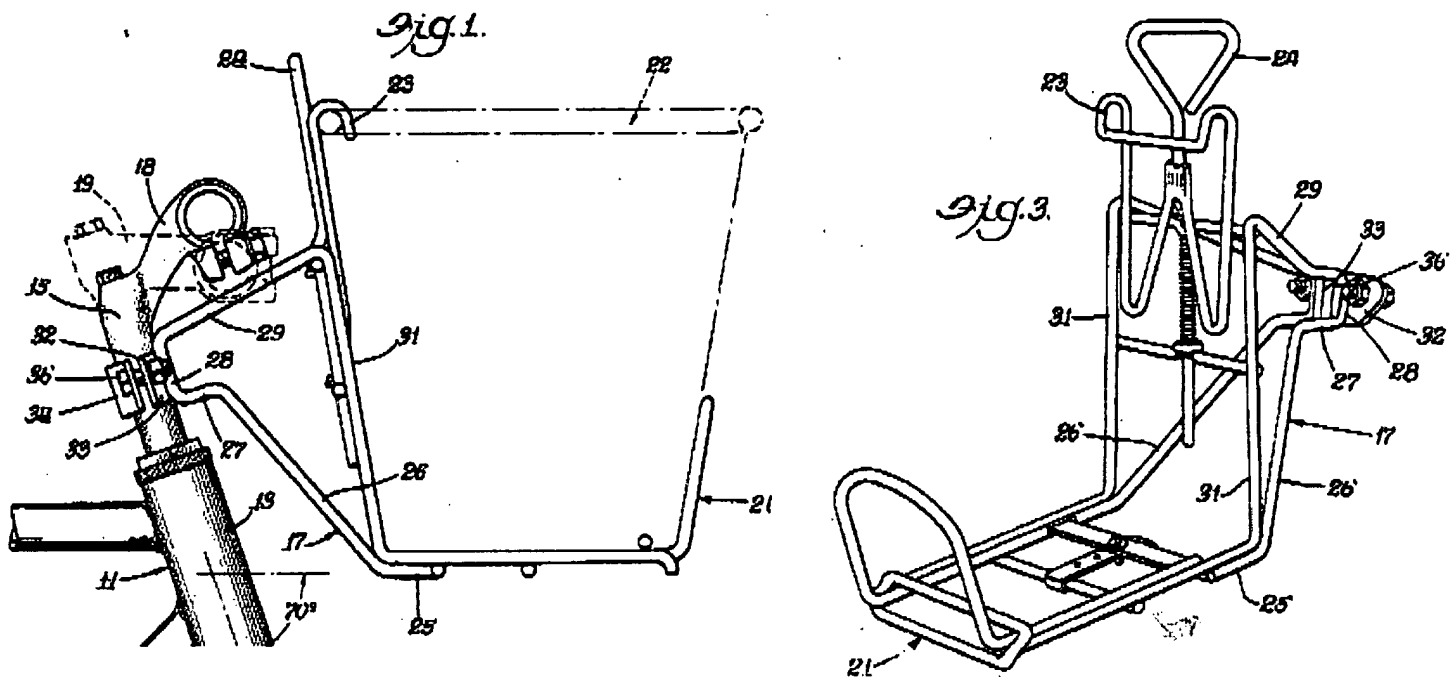
Weber '662 Figures 1 and 3

Claim Rejections - 35 USC § 103

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of Brilando et al. (US Patent Number 3603549). Weber discloses a drawer/waste bin manager as recited in claim 1 but does not disclose a wire harness adapted to exert a biasing force against a waste bin. Brilando (Figures 1 and 3) discloses a bin holder (21) capable of exerting a biasing force (through member 23) against a bin (22) held by the holder. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Weber's wire harness/waste bin holder to include a structure capable of exerting a biasing force against a waste bin as taught by Brilando because this arrangement would provide more stability (prevent overturning, etc.) to waste bins held in Weber's manager.



Brilando et al. '549 Figures 1 and 3

29. Claims 14, 31, 32, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of Reed (US Patent Number 3167185). Weber discloses a drawer/waste bin manager as recited in claims 1 and 30 but does not disclose a clip attached to the harness adjacent the first elongated slide. Reed (Figures 3 and 7) discloses a waste bin manager (10) comprising a wire harness/waste bin holder (16, 32, etc. but neglecting leg structure 80) including a clip (viewed as A in Exhibit 1) on the periphery of his harness. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Weber's wire harness/waste bin holder to include a more thorough structure as taught by Reed (and suggested by Weber in column 1 lines 10-13) because this arrangement would provide more stability

to waste bins held in Weber's manager as well as simplifying his spring mounting arrangement by placing a clip for mounting the spring adjacent the first elongated slide.

30. Regarding claim 31, Reed further discloses the clip is releasably attached to said waste bin holder.

31. Regarding claim 32, Reed further discloses said wire harness/waste bin holder has an open upper end (encircled by 16) capable of receiving a waste bin and a lower end (22, 24), said clip being attached to said lower end of said wire harness/waste bin holder.

32. Regarding claim 34, Reed further discloses said waste bin holder comprises a pair of wire harnesses (two rings 16, as well as associated components for both).

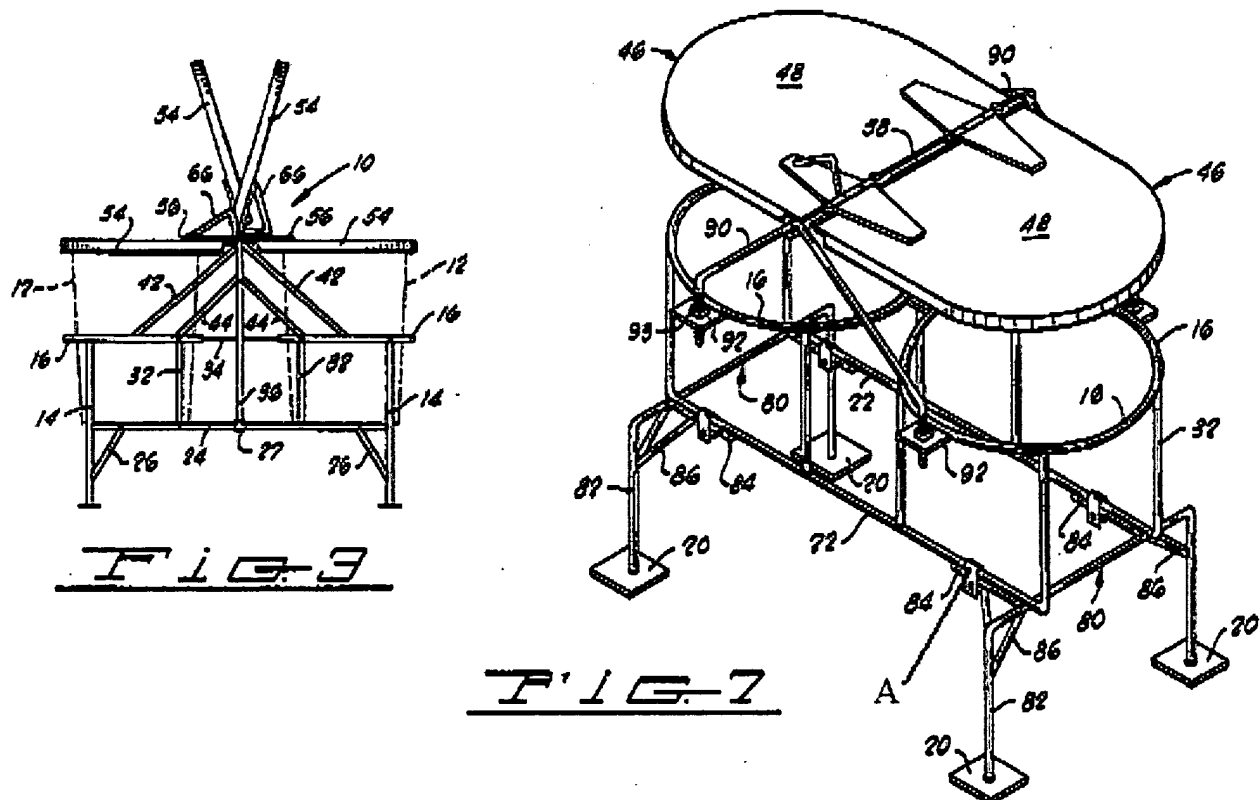


Exhibit 1: Reed '185 Figures 3 and 7

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33. Claims 4-6 and 21, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view Remmers (US Patent Number 6467860).

Weber discloses a drawer/waste bin manager as recited in claims 1 and 20 but does not disclose a first and second wire. Remmers (Figure 7) discloses a wire drawer (6) having a first wire (8) and a second wire (viewed as A in Exhibit 2), as well as a clip (56) attached to the first and second wires at their intersection. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Weber's wire harness to a more substantial structure including first and second wires as taught by Remmers because this arrangement would allow for more stability for waste bins placed in Weber's harness (via a more thorough harness structure).

34. Regarding claim 5, Remmers further discloses said first and second wires intersect each other at a right angle.

35. Regarding claim 6, Remmers further discloses said clip includes a first set of arms (B) adapted to wrap at least partially around a first wire in said wire harness and a second set of arms (C) that are adapted to wrap at least partially around a second wire in said wire harness.

36. Regarding claim 21, Remmers further discloses said clip is made of plastic (column 5 lines 4-5) and is adapted to releasably grip a wire on said waste bin holder (see Figure 7).

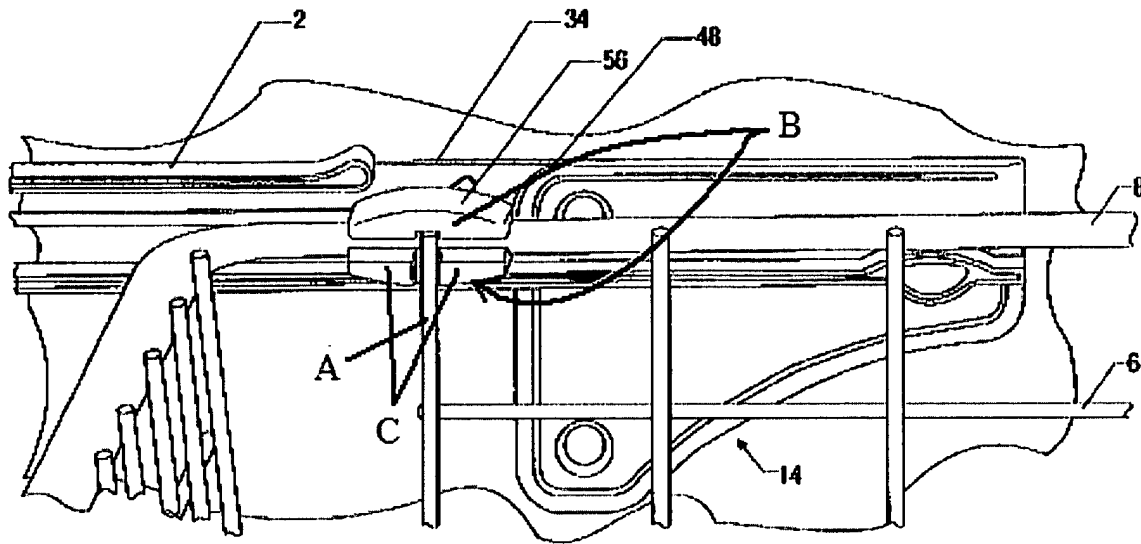


FIG. 7

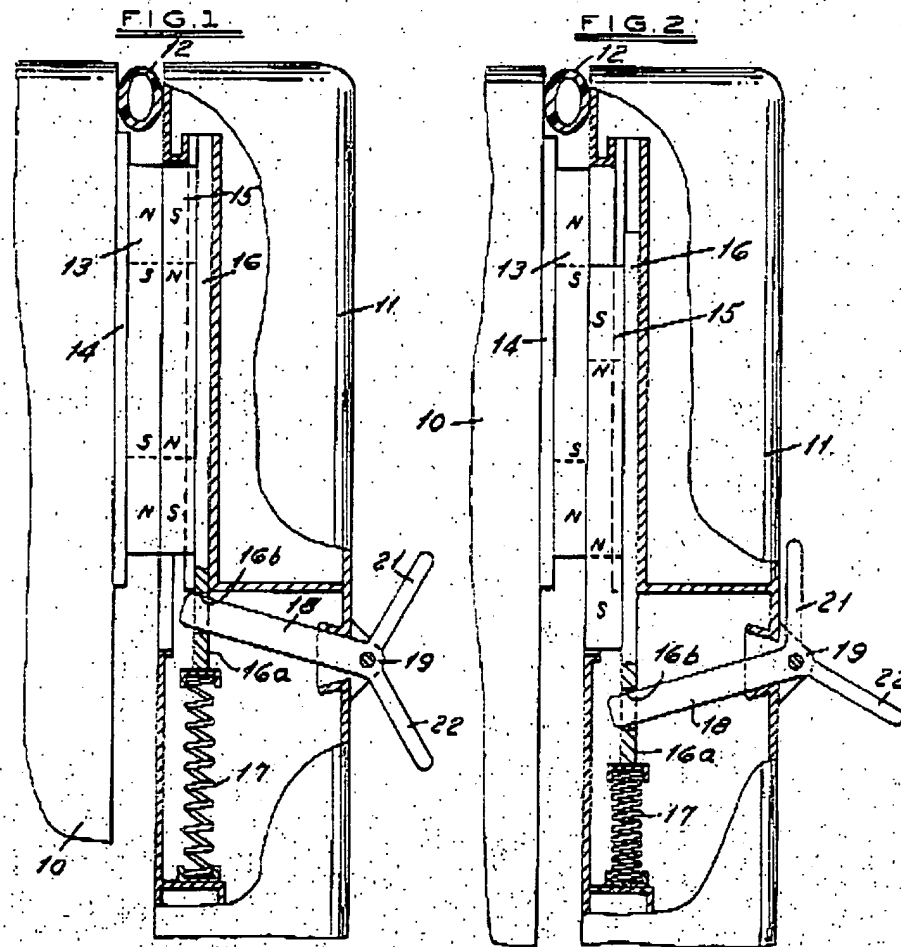
Exhibit 2: Remmers '860 Figure 7

37. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of Parker (US Patent Number 3790197). Weber discloses a drawer/waste bin manager as recited in claim 8 but does not disclose the magnet attached to the lever. Parker (Figures 1 and 2) discloses a latching mechanism including a magnet (15) attached (via component 16) to a lever (18, 21). Accordingly, it would have been obvious to one of ordinary skill in the art to modify Weber's mechanism to include a magnet attached to the lever as taught by Parker because this arrangement would allow more control of the opening force required.

38. Regarding claim 10, Parker further discloses a lever with a generally flat bottom surface (22) that a user may push upward against in order to cause the lever to

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separate the latching mechanism (note in Figures 1 and 2 that the opening motion requires an upward movement of member 22).



Parker '197 Figures 1 and 2

39. Claims 11, 18, 19, 23, 25-29, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber in view of Difley et al. (US Patent Number 4023875). Weber discloses a waste bin manager as recited in claims 1, 17, and 20 but does not disclose telescoping slides. Difley (Figures 1-3) discloses a drawer mounted waste

compactor with telescoping slides (17, 21). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Weber's manager to include telescoping slides as taught by Difley because this arrangement would provide a readily available yet strong means for drawer operation.

40. Regarding claims 18 and 36, as best understood, Difley further discloses the door (15) is attached only to the slides/extensible members (see Figure 2).

41. Regarding claim 19, Difley further discloses the slides are positioned underneath a waste bin (14) positioned within the enclosure (10).

42. Regarding claim 23, Difley further discloses said slide mechanism includes a pair of slides (on opposite sides of the compactor), each slide including a stationary member (17) mounted to a cabinet and an extendable member (21) mounted to a door.

43. Regarding claim 25, Weber discloses a release mechanism (21, 24, 25), when actuated said release mechanism releasing said door from a closed position wherein said door, said extendable rails, and said waste bin holder are urged to extend at least partially from said cabinet.

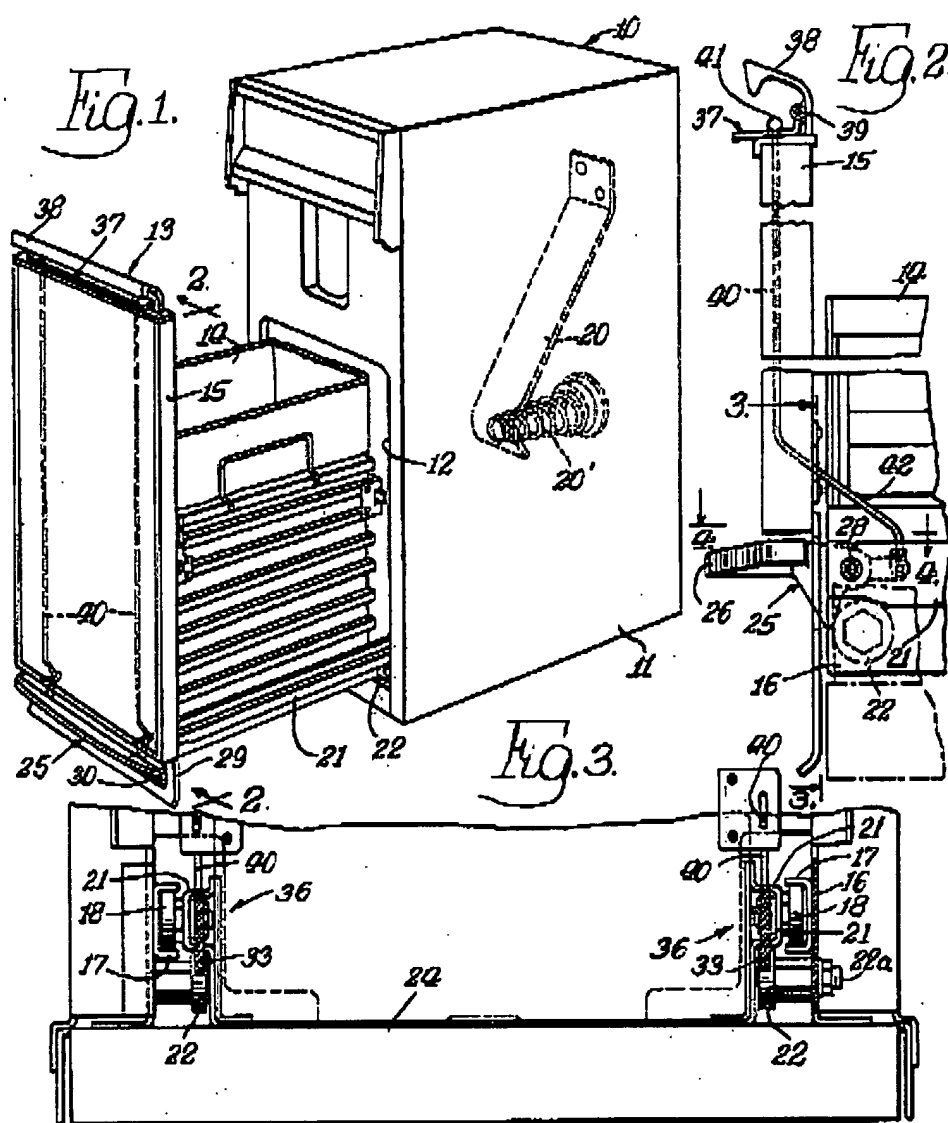
44. Regarding claim 26, Weber further discloses said release mechanism comprises a foot-operated mechanism (see Figure 3).

45. Regarding claim 27, Weber further discloses said release mechanism includes a lever (21), a plate (24), and a magnet (25), one of said plate and said magnet being attached to the door and the other of said plate and magnet being attached to the cabinet, said lever positioned to cause separation between said plate and said magnet when said lever is rotated to thereby release said door from said closed position.

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46. Regarding claim 28, Weber further discloses said plate (24) is mounted to said door (11) and said magnet (25) is mounted to said cabinet (mounted at cabinet member 5). See Figure 3.

47. Regarding claim 29, Weber further discloses said plate is mounted to a lower end of said door (again, see Figure 3) and said magnet is mounted to a base (5) of said cabinet.



Difley et al. '875 Figures 1-3

Conclusion


48. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Johnson et al. (US Patent Number 3528718) and Braun et al. (US Patent Number 5251975) references are cited for disclosing various drawer mounted waste management systems. The Allen (US Patent Number D318352) and Jenkins (US Patent Number 4723743) references are cited for disclosing various wire-framed waste bin racks. The Merino et al. (US Patent Number 5083848) and Khan (US Patent Number 6209978) references are cited for disclosing wire harnesses slidably mounted in cabinets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFG 
1/11/2006

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TECHNOLOGY CENTER 3600

